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COMMONWEALTH OF MASSACHUSETTS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

RE: PERMIT UNDER THE RESOURCE CONSERVATION AND
RECOVERY ACT (RCRA) AS AMENDED (42 U.S.C.
SECTION 6901 ET SEQ.)

PUBLIC HEARING taken before Deborah
A. Pularo, Certified Shorthand Reporter and
Notary Public, at the City Hall, Pittsfield,
Massachusetts on December 2, 1999, commencing
at 6:30 p.m.

APPEARANCES:

TIM CONWAY, EPA - HEARING OFFICER

BRYAN OLSON, EPA - PROJECT MANAGER

ANGELA BONARRIGO - EPA

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* * *

1 MR. GRUNIN: Good evening,
2 everyone.

3 I am Gary Grunin, a City Counselor.
4 On behalf of Mayor Doyle, who couldn't be here
5 tonight-, due- to a death in the family, I'll
6 open up this meeting.

7 I'd like to introduce some of the
8 folks from the EPA that are here tonight. We
9 have Bryan Olson, Tim Conway, Angela Bonarrigo,
10 Sue Svirsky, Dean Tagliaferro, and Rose
11 Howell.

12 From DEP we have Sue Steenstrup, Al
13 Weinberg, Lyn Cutler Rob Bell and John
14 Ziegler.

15 Mike Carroll from General Electric is
16 here and some other representatives from
17 General Electric are also here, with Mike.

18 I see my colleague Jim Massery is
19 also here and a representative from -- Kurt
'20 Pricer, representing Peter Larkin's office is
21 here.

22 This is actually the first true
23 public hearing we have had. There has been
24 some public meetings. This is actually a

1 public hearing, where everything that you say
2 tonight will be part of the record and will be
3 responded to.

4 If you have any questions about the
5 Gay this- is going to work, I will introduce Tim
6 Conway now, who will go over how this will
7 work. I believe. everyone is going to have at
8 least 10 minutes to speak. If you need more
9 time, if you could hold it to the 10 minutes
10 until everybody has spoken, then afterwards you
11 can come back if time permits.

12 Tim?

13 MR. CONWAY: Thank you.

14 Good evening. My name is Tim Conway,
15 and I am a Senior Case Attorney for this
16 project for the EPA's Boston office.

17 The purpose of the public hearing
18 tonight, which is a little different from the
19 different -- from the meetings we've been
20 having over the last six weeks, I am going to
21 be what is called presiding officer, which is
22 the person who takes questions from the public
23 on different aspects of the Consent Decree and
24 the Permit for General Electric.

And the purpose of this hearing is to formally accept your oral comments on the Consent Decree that we filed with the Court in October and on the proposed modification to General Electric's corrective action program for the facility, which is Appendix G to the Consent Decree.

During the public hearing aspect of tonight's hearing, Bryan and I won't be formally responding to your comments the way we do in a normal public meeting, because we want to make sure we get everybody's comments on the record first. What we'd like to do, because this is a little different than the public meetings we have been having, is to make sure that anyone who has a comment to put on the record tonight, that they sign the index cards that are in the back, just outside the door, and we will give everybody a chance to provide their public comments. And then, if somebody needs more than the 10 minutes -- we are going to limit people to 10 minutes at a time. If somebody need more than 10 minutes, you can go again after everybody's had a chance. So try

1 to limit yourself to 10 minutes first time
2 around and then if you need more time, we can
3 provide that at the end.

4 As the wideness of the public hearing
5 and a-more unique format than the other public
6 meetings where it is just more of an open
7 exchange, we chose to do this just because of
8 the amount of public attention and knowing that
9 a lot of people were- interested in-our
10 settlement and the modification to the permit.

11 Not everybody is going to put their
12 comments in writing. This is a chance to let
13 us know what your comments are on the Consent
14 Decree or on the permit without having to put
15 your comments down in writing.

16 Let me describe really briefly the
17 format for tonight. What I'd like to do is
18 have Bryan Olson give a short presentation on
19 not so much the Consent Decree, which we have
20 had several meetings on already, but primarily
21 on the proposed modifications to General
22 Electric's hazardous waste what they call
23 Corrective Action Permit. And Bryan will give
24 a short presentation on the proposed

1 modification to that permit, which is one piece
2 of the overall Consent Decree.

3 Following Bryan's presentation, I
4 will take everybody's comments from the index
5 cards. Anybody who provides us with an ~~an-index~~
6 card with your name on it, we will take your
7 comments, and you can come up here. You need
8 to give your name for the record, because it is
9 all being transcribed, and your ~~affiliation~~, if
10 you're affiliated with an organization.

11 Please come up front and use the
12 microphone and limit your comments, at least
13 the first time around, to 10 minutes if you
14 can. We've got a clock right up there, if
15 anybody wants to check that when they start, so
16 that everybody gets a chance. We've got two
17 hours allotted for this, and hopefully
18 everybody will get a chance to -- everybody
19 will get a chance to speak at least once.
20 Anybody who wants to speak. If we have time,
21 we will take more comments after that.

22 After all the comments have been
23 heard, we can close the formal public hearing
24 aspect of this, and EPA will be willing to talk

1 to people more informally about any comments
2 that you want to have addressed tonight outside
3 of the scope of the public hearing.

4 But first we want to make sure we get
5 everybody's comments, everybody's comments or
6 questions, down on the record. Then after we
7 have gone through that, I can close the public
8 hearing aspect of tonight's meeting and then
9 have more of an open discussion--of any comments
10 that you want feedback on tonight.

11 In addition, people who want to
12 submit written comments on the Consent Decree,
13 the Permit, proposed Permit, or any of the
14 other attachments or portions of the Consent
15 Decree, we've got outside -- I believe we've
16 got the address where you should send your
17 comments.

18 We originally had the comment period
19 ending on December 27. We received from the
20 Housatonic Valley Association a request to
21 extend the public comment period. We've
22 extended it to January 24th. So all written
23 comments, written comments, have to be
24 postmarked by January 24th.

ot of the public outreach documents.

2 This meeting -- and it wasn't
3 mentioned so much for some of the other
4 meetings. I think Tim hit on-it= as well, but I
5 think we should just. make it ~~clear~~ that we are
6 required if requested to have a public hearing
7 for the RCRA Permit portion of this Consent
8 Decree. We are not required to have one for
9 the Consent Decree by law. However, as Tim
10 said, we decided to have one for both, but
11 since we are required to for the Permit, we
12 wanted to make sure that we were mentioning
13 RCRA Permit in all our documents that we put
14 out. So it's really nothing different, but
15 it's just we want to make sure that everyone
16 understands that we're doing this for the
17 Permit as well, which is -- as I explain later,
18 is encompassed in the Consent Decree.

19 The agreement that we reached with GE
20 includes three main things. It includes
21 remediation, restoration and redevelopment of
22 the GE plant site.

23 The' remediation component and the
24 restoration component are the two things that

1 are actually in the Consent Decree. The
2 redevelopment component is actually encompassed
3 in the agreement between GE and the City, which
4 is also a public document that people can look
5 at, but for the, purposes of today, we are
6 mainly talking about the remediation component,
7 as it relates to the Consent Decree and the
8 RCRA Permit.

9 The five-main areas that are being
10 remediated here are the GE plant site; the
11 former oxbows which are along the river that
12 have been filled in in the past; Unkamet Brook,
13 which runs actually through the GE facility,
14 also runs outside the GE facility; Silver Lake;
15 and also the Housatonic River and I will
16 explain a little bit about the differences
17 between different parts of the river and how
18 they relate to this whole RCRA Permit thing.

19 There are a couple other major things
20 that we see as being major components of the
21 Consent Decree. There are recovery of the
22 government's costs and also reopeners in the
23 Consent Decree. A lot of people have been
24 asking questions about that during our

1 informational meetings.

2 There are reopeners in the Consent
3 decree that are there in case we come up with
4 new information that basically tells us that we
5 should have made a different decision; there is
6 new information that's come up since we made
7 the decision, so therefore our decision should
8 be changed for some reason.

9 And there are obviously limitations
10 on those reopeners but the reopeners are an
11 important component to the entire Consent
12 decree.

13 The original -- the way we used to or
14 the way we have been regulating this site and
15 the cleanup and everything is under the old
16 RCRA permit, and RCRA is the Resource
17 Conservation and Recovery Act. And it's just
18 one of the legal statutes that we use at EPA to
19 try and clean up hazardous waste sites. CERCLA
20 is another of one of those statutes that we
21 use, the superfund laws.

22 In the past, we have been using the
23 RCRA statute to work on cleanup of this site.
24 and the old RCRA permit that is being modified

1 as part of this Consent Decree included those
2 same things: The GE plant site; it included
3 some of the **Oxbows** -- some of them are outside
4 the realm of the Resource Conservation and
5 Recovery Act.. It ~~included~~ Unkamet Brook. It
6 included Silver Lake, and it included the
7 entire Housatonic River that had contamination
8 in it.

9 Since -- the new ~~Consent~~ Decree and ..
10 the new RCRA Permit -- the RCRA Permit is
11 basically a modification of the old permit.
12 And there are four major modifications to that
13 permit, at least four, that I am going to
14 outline here, and there are many other minor
15 modifications that, you know, people who have
16 read the Consent Decree can see those
17 modifications.

18 The first is that we have taken out
19 of the RCRA Permit all remediation and all
20 investigations dealing with the GE plant site,
21 some of the former **oxbows** which were part of
22 the RCRA Permit, Unkamet Brook, Silver Lake and
23 the first two miles of the Housatonic River.

24 All of those things are being

1 included in a remediation agreement that we
2 have reached with GE, that -- that's what
3 basically what people are calling the Consent
4 Decree, the remediation portion of the Consent
5 Decree. And that's why we've.. agreed on cleanup
6 for those areas, so we don't for those areas,
7 so we don't have to go through the entire RCRA
8 permit process for those. Instead, those are
9 shifted over into the Consent Decree, and we
10 have agreement on those.

11 So that's, as far as we are
12 concerned, a major success to the Consent
13 Decree.

14 The second change from the old RCRA
15 Permit to the new one -- well, let me just say
16 that the -- after taking all those things out,
17 what that leaves us is the river below the
18 first two miles, basically from the confluence,
19 just below the first Pomeroy Avenue bridge in
20 Pittsfield, all the way down until -- basically
21 until the contamination runs out, which is
22 where we define what we call the "rest of the
23 river. "

24 But in that permit, now, that we

1 have, the changes that we made to that permit
2 as a result of this modification include that
3 EPA will be conducting the human health and
4 environmental--risk, ecological risk --
5 assessments :- ~~Before~~, in the previous permit,
6 GE was conducting all those studies, and EPA
7 was overseeing them. In the new RCRA Permit,
8 we are conducting those studies, and GE is
9 working and coordinating with us to--conduct
10 those studies, but EPA is in the lead on that.

11 The second thing that was a major
12 thing for EPA is that there are no appeals
13 along the way until the decision, the cleanup
14 decision, is made. The cleanup decision is
15 going to be potentially a multimillion or
16 hundreds of millions of dollars in cleanup.
17 And that particular decision will be subject to
18 appeal by GE. But all the things that we do
19 along the way are not -- GE has agreed that
20 they will not appeal those things along the
21 way, which can save us some potential delays
22 until we get to the actual cleanup decision.

23 And that's different from the old
24 RCRA Permit.

And the fourth major thing is that we
do have included in here an agreement, or
included in the Consent Decree, an agreement
that the-cost of-us conducting some of these
studies ~~and us overseeing the work that~~ GE is
doing out there, we have agreement on
reimbursement of those costs back to the
government, so we can use that money to do
other work at ~~the~~ GE site.

10 All the money that we get back -- we
11 should make it clear that all the money that we
12 get back can only be used on this site. It
13 goes into a special account for this site, and
14 we can't use it on other sites throughout New
15 England. We wanted it to come back to anything
16 that we need to do here.

17 So those are basically the four major
18 changes: So EPA will be conducting these
19 investigations, we'll eventually come up with
20 cleanup standards, and we will go through a
21 process in the end -- we will go through a
22 process of picking a remediation, we will come
23 up with a remedial decision, which will come
24 probably in the year 2002, and that decision we

1 expect to coincide with the work that's going
2 on in the first two miles, if we -- we won't be
3 done with cleaning up the first two miles until
4 after 2002, so with even considering **time** for
5 ~~some appeals~~, we expect to be able to continue
6 moving down' the river with remediation, if
7 remediation is necessary below the **two miles**
8 when we make that final decision.

9 " It is getting close to 10 minutes. I
10 will just wrap up here. And I just want to
11 make it clear that after we do the formal
12 comments part of this, we will be available
13 afterwards to answer any questions people have
14 on this. We have had several public
15 informational meetings and even private
16 meetings with individuals that wanted meetings,
17 that asked to discuss their particular portions
18 of this Consent Decree. And we're willing to
19 continue, to do that, both until the comment
20 period is over and even after that, or later
21 tonight or whenever.

22 And in closing, I just want to thank
23 everyone for their patience during this
24 process. I know people have been frustrated by

1 now long this process has taken, including us;
2 we have been also frustrated by it.

3 But we know it has taken a long time
4 and everyone has been following it the
5 newspapers and they haven't been able to be
6 particularly involved themselves.

7 But we think once you look at the
8 agreement as a whole, that you will see that
9 the time was well spent, and we think that we
10 have a really good agreement here.

11 So that, I think we will just open it
12 up to public comment.

13 MR. CONWAY: The first
14 commenter, Judith Herkimer.

15 JUDITH HERKIMER: Hi, my name is
16 Judith Herkimer. I represent the Housatonic
17 Environmental Action League known as HEAL in
18 Connecticut and also the Green Party of
19 Connecticut. I came tonight to present some
20 questions and some concerns on the Consent
21 Decree and the Connecticut section of the
22 river.

23 The Housatonic Valley Association
24 correctly said that the time for public comment

1 was inadequate. We continue to feel that
2 January 24th, 2000 continues to be an
3 inadequate amount of time to address the
4 concerns surrounding the Consent Decree.

5 Connecticut has been eliminated from
6 this process, essentially. We've had no
7 opportunity for public comment in Connecticut.
8 And Bryan, we need a public hearing in
9 Connecticut. We should-have had one many, many
10 months, if not years, ago. We have been
11 voices. We have come to you, we have come to a
12 lot of you, and no one has heard. It is past
13 d u e .

14 HVA, as vital as they are, is not the
15 only voice who speaks for the River in
16 Connecticut. And it is time that we be heard.

17 We would like the report surrounding
18 the natural resource damage study, the study
19 that arrived at the natural resource damage
20 amounts, open to the public. Why isn't it
21 open?

22 What is contained in that study that
23 we are not -- that the public is not privy to.
24 The 29 million dollars is a sad pittance of an

1 amount for what has happened, and the 50
2 percent split from 50 to Massachusetts and 50
3 to Connecticut is embarrassing. You suffered
4 greatly up here compared to us, and if it is
5 going to stay at 29 million, you should get
6 more than what we are getting.

7 We would like to see whatever monies
8 that are ever seen out of the natural resource
9 damage fund account be put into an
10 interest-bearing escrow account at least, so
11 that that money can be built upon.

12 We would like to know about escrow
13 contingencies for the remediation work up here
14 in Massachusetts in the event that a
15 remediation disaster should happen and a
16 downstream event comes down and crosses the
17 border.

18 We are concerned about dam
19 integrity. We are concerned about 100-year
20 floods. Currently, with some of the dam
21 structures, the integrity is suspect.

22 We are calling for independent
23 baseline testing within Connecticut. The
24 studies that have previously been done by GE,

1 by the Connecticut DEP and U.S. Geologic Survey
2 folks are difficult to interpret, to say the
3 least, and differ radically in their data.

4 My husband went on the river weeks.
5 ago in a fiberglass canoe with a buddy and
6 scooped up layers of the river in Connecticut,
7 and we have results where the GE studies found
8 no results. And this is John Q. Public going
9 down the river with no professional equipment
10 nor no hydrology certification. These are
11 certified hydrology results from a lab.

12 One of the most concerning results
13 that came out were in Kent. They scooped up
14 river contents from the Sheffield,
15 Massachusetts border down to Kent,
16 Connecticut

17 And the highest specimen that came
18 back, the highest results, were found right in
19 front, a part of, the Schaghticoke Indian tribe
20 in Connecticut. Very depressed tribe. Very
21 poverty-stricken tribe. And they derive a
22 major component of their dietary protein from
23 the river. They eat the fish. They eat the
24 fish daily. The children eat the fish. The

1 elders eat the fish. In the summer you can see
2 them in the river barefooted, fishing.

3 If you don't think that that's a
4 public health concern, I don't know why you
5 would dismiss the health concerns that have
6 exhibited themselves up here.

7 It is our understanding that some
8 contaminated fill from the GE site made it into
9 Connecticut. We are unable to trace this. And
10 we have been informed that some of it made it
11 as far to Farmington, Connecticut, along the
12 Farmington River.

13 We want to know about that. We want
14 to know how many other dump loads made it into
15 other states and where they are, and we want
16 them taken out.

17 I forgot to check my 10 minutes.

18 MR. CONWAY: You have three more
19 minutes

20 JUDITH HERKIMER: It continues
21 to perplex us about the pain, and allowing the
22 residents of this community to live, to work,
23 to procreate, to play in this toxic waste
24 dump. And it is unconscionable. And to

1 breathe PCB-laden air. It is time to do
2 something.

3 And we expected a hearty loaf of
4 Consent Decree, and what we ended up with was
5 white bread and Velveeta cheese. ~~~~~~~~~

6 Thank you. Can I leave my option
7 open to speak later?

8 MR. CONWAY: Yes, you may.

9 As you know, in keeping with what-- I
10 mentioned as part of the format, we won't be
11 responding individually to comments. What we
12 would like to do is get through all the
13 comments, and if then if people would like to
14 stay after the public hearing, we can talk more
15 informally.

16 Next is Judy Gitelson.

17 MS. GITELSON: It is interesting
18 that my concern is in line with something that
19 our previous speaker had to say.

20 I am very concerned, have been
21 concerned, about the cleanup process and that
22 in the process of removal, that the PCB's are
23 becoming airborne in great quantities, and
24 causing -- in my mind, causing a great public

health hazard. I understand -- I did make a
2 phone call to the EPA to ask about this. I
3 understand there is some kind of technology in
4 place to try to monitor this, and I would be
5 very interested to know that in ~~the~~ properties
6 that have been cleaned up, what the monitoring
7 devices have shown in the past year or so.

8 Thank you.

9 MR. CONWAY: . . . Timothy Gray,
10 Housatonic River Initiative.

11 TIMOTHY GRAY: Timothy Gray,
12 Housatonic River Initiative.

13 This started almost 10 years ago
14 now. We have participated in virtually every
15 meeting that has taken place in 10 years. We
16 have followed the site, read almost every
17 document that has been created on this site.
18 These folks know us better probably than a lot
19 of folks. We have a 5-year history, and we
20 appear to comment on the Consent Decree
21 tonight.

22 We do this in the spirit of trying to
23 get a good cleanup for Berkshire County.
24 Sometimes our words show inadequacies in the

1 public process, inadequacies in some of the
2 processes that we think that EPA and DEP come
3 up with, but we do it in the spirit of cleanup
4 not in the spirit of derogatory. comments to
5 these folks. They are good-folks, they are
6 here to clean up, and we are happy they are
7 here.

8 And I want to say that, first of all,
9 especially after being on the Hudson River a
10 few weeks ago at a public hearing over there,
11 and hearing how the General Electric has
12 communities up and down the Hudson River
13 trashing out the EPA. Amazingly enough, in
14 that community, everyone is against dumps. You
15 can't have a decent dump anywhere along the
16 Hudson River, and it's dastardly, it's the
17 worst thing that can happen, up in Fort Edward,
18 and GE evidently supports that position.

19 But yet here in Pittsfield, we have
20 Hill 78, and we have a second dump being
21 built. Hill 78 is an old GE dump. It's been
22 there for years and years. And we are very
23 concerned. Back in 1991, the School Committee
24 the city of Pittsfield, and Mass. DEP made

decisions that a temporary cap on Allendale
2 School was the solution for that period of
3 time. They all agreed on that.

4 At that ~~time~~ ~~the~~ environmentalists
5 who were at those meetings ~~were~~ not happy with
6 that solution. Everyone believed that removal
7 from the school yard was the answer. But
8 nevertheless the school yard was packed, and
9 the kids played on top of--a contaminated
10 property for the next eight years, with only a
11 few layers of soil separating them.

12 Now, we have a cleanup of Allendale
13 School, which GE did a good job on. I watched
14 it. They scooped a ton of soil out The sad
15 part is, they're removing it 50 feet across the
16 street. We have a lot of problems with that.
17 We don't understand how a hazardous waste dump
18 is allowed to remain next to an elementary
19 school. Especially -- a hazardous waste
20 dump that in the EPA site assessment of that
21 dump in 1998 states: The unit was formerly a
22 ravine, which has been filled with waste
23 material. A former employee stated in an
24 interview that drums and liquid containing

1 to be, we think that other dump locations
2 should be sought out and reviewed. And we also
3 believe that there is a better way than a dump.
4 There are technologies to treat PCB's. One of
5 our companies in Pittsfield has one of those
6 technologies. There are numerous other
7 companies that have technologies to treat
8 PCB's. Why aren't we treating them, getting
9 rid of them, instead of creating another
10 long-term liability that GE is going to have to
11 monitor from years and years to come?

12 We just think that it is not the
13 right thing to do.

14 And Hill 78, the existing dump, will
15 be capped under the Consent Decree, but there
16 is no liner under this dump. Everything in
17 this dump is free to head towards groundwater
18 in the future. And just like, 8 years later we
19 are here to finally say that our wishes of
20 Allendale School 8 years ago was taken care of
21 this year. It took 8 years. We went to every
22 meeting for 8 years and said, "Clean up the
23 Allendale School," when all these people who
24 improved the cap didn't come anymore.

1 Here they are again, this year,
2 saying, "The dump's okay. We're going to along
3 with the dump." Well, we'll see you in 10
4 years, because I think we're going to be back
5 here dealing with Hill 78.

6 We also want to talk a little bit
7 about the oxbows along the river, and what we
8 call "the rug" in the river. Okay?

9 First of all, the oxbows. Back in
10 the '50s, GE -- not GE, excuse me, the Army
11 Corps of Engineers -- straightened out meanders
12 in the river in a flood control project. Then,
13 after that, those meanders were filled in with
14 lots of PCB material.

15 If anybody knows about the East
16 Street, the Lyman Street area, there are
17 underground plumes of chemicals, large plumes
18 of chemicals, that move through the earth
19 towards the river. They have been pumping, I
20 don't know how many years, but I believe it is
21 well over a decade, with scores and scores of
22 pumps in that area, pumping out oil, pumping
23 over millions of gallons of oil and water
24 mixture out of the groundwater, treating it.

1 And here, 15 years later, and under the Consent
2 Decree, we are going to sink a whole bunch of
3 new wel s to try to continue to pump this.

4 And we have been speaking about
5 whether any of these plumes go under the river
6 and start to collect in residential communities
7 on the other side of the river, and lo and
8 behold, after -- after goes on for a year, we
9 have- some new wells sunk over this in- the last
10 six or seven weeks. This is the other side of
11 the river from the GE plant. They've pumped
12 out 9,000 gallons of oil.

13 So that's -- these plumes start on
14 Lyman Street. There's one on Lyman Street.
15 There was a small plume associated with
16 Building 68.

17 The East Street areas, which is up
18 more near the Mill Street HUD homes.

19 There is a plume in the vicinity of
20 the Grossman's and one up near Unkamet Brook.

21 So are massive amounts of chemicals
22 underneath the ground. And we -- under the
23 decision to clean up the river and oxbows --
24 the oxbows are basically going to be kept.

1 They're mostly business properties that abut
2 the river there. Those businesses -- a lot of
3 those business owners are in a lawsuit right
4 now to try to get remediation on their
5 properties,-- but; they are, faced with the
6 decision that they have to accept an activity
7 and use limitation, which is basically
8 something that goes on their deed that says
9 they will forever have the contamination
10 underneath and they get a payment for accepting
11 that. Or they can get cleanup down to about 3
12 feet, and all the contamination that goes below
13 that will stay in place.

14 And now I remind this is the banks of
15 the river. We are worried that these oxbow
16 properties threaten the cleanup of the river.
17 And we are paying taxpayers money -- there's a
18 correlated deal that taxpayers are going to
19 contribute to the cleanup of the river here.
20 And are worried that our taxpayers' money is
21 going to go into the cleanup of the first two
22 miles of the river four or five years down the
23 road, and these oxbow sites are going to become
24 problematic and re-contaminate the river.

1 Now, this whole section of the river
2 is going to be packed, and they basically are
3 going to put a plastic liner in the first two
4 miles of ~~the~~ river, which we call "the rug in
5 the river." And we think that capping the
6 natural river system with a piece of plastic is
7 absurd aesthetically, number one; it just
8 doesn't make sense to hustle for a healthy
9 river system, but yet we have to have this cap
10 in the river because of what is below the cap.

11 And I will just finish off by reading
12 a little bit. There was a spill years ago at
13 Building 68, which is on the GE site, and
14 during that spill, the EPA ordered GE to clean
15 the spill up real quick, because there were
16 incredibly high levels found. There was levels
17 close to 100,000 thousand parts per million in
18 the bank, 50,000 parts per million in the
19 river. And they were ordered to clean the
20 river.

21 And there are some things: We went
22 back into the Building 68 administrative
23 record, and I just want to read a couple things
24 here: EPA's assessment and how they came up to

1 have reviewed the Immediate Response Action
2 Plan and its accompanying cover letter. GE's
3 proposed approach to the Building 68 area
4 involves a combination of partial soil removal,
5 contained in continuing institutional
6 controls. Simply, this approach includes the
7 removal of the upper two feet of the affected
8 bank of soil, covering of the affected sediment
9 area with geotextile fabric, regular monitoring
10 of the river water quality upstream and
11 downstream, and regular inspection of the
12 area."

13 It sounds very, very much like the
14 cleanup plan that's proposed for the river.

15 And I'd like to just read this next
16 section in EPA's response to some of that
17 information there.

18 "Covering over" -- this is EPA.
19 "Covering over the large volume of extremely
20 elevated levels of PCB's in the sediment of a
21 dynamic river system does not eliminate the
22 potential source of PCB's to that river
23 system. In the event of failure of the
24 armoring system, the PCB's would remain a glut

1 to the receptors and the areas including many
2 sensitive resorts of residential areas, some of
3 which have been remediated and would be subject
4 to-recontamination or further contamination in
5 the event of exposure and migration of the
6 contaminated sediment at the site."

7 This is exactly what the Initiative
8 is afraid of: That by putting a
9 two-and-a-half-foot cap in the river and
10 ignoring what everything is below that point in
11 the river, and the fact that all of the plume
12 data supports the fact that there are massive
13 levels of contaminant in these plumes, right
14 directly up next to the river, if not going
15 under the river: We believe it is a failed
16 policy. And we believe that GE should be made
17 to clean up that. They put it in the river.

18 Anybody, small home owners, today,
19 that have to deal with a septic tank, or gas
20 owners, they have to deal with pumping a gas
21 station, they don't get a break. They don't
22 get to leave massive amounts of contamination
23 in the ground. We think that GE should be made
24 accountable in this place to do that.

1 I am just going to finish up. Just
2 to let you know about one of the plumes, I will
3 just mention one of the plumes. But I want you
4 to know the constituents of one of these
5 plumes. They-call it-Denapple. It stays
6 liquid, because it sinks to the bottom of the
7 water table underneath all the groundwater on
8 the GE site.

9 That's Pittsfield's groundwater and
10 may be the groundwater that your future great
11 grandchildren might have to rely on. Who
12 knows. But it is astounding. The oil
13 contained PCB quantified, in their report, 1260
I 4 -- 930 parts per million. Chlorobenzene, 1200
15 parts per million. Pentachlorobenzene, 31,000
16 parts per million. Tetrachlorobenzene, 21,000
17 parts per million. Trichlorobenzene, 250,000
18 parts per million.

19 And yes, Denapple is limited in other
20 parts 1242, in other parts 1260, concentrations
21 of 10,700 parts per million.

22 And listen to this one: 613,000
23 parts per million.

24 But, to me, I don't know exactly what

1 MR. CONWAY: Those are all the
2 comments we have gotten on the index cards. Is
3 there anybody else who would like to make
4 public comments? We can just take people one
5 by one- We've got a lot of time left.

6 Judy Gitelson.

7 JUDY GITELSON: Judy Gitelson
8 again.

9 I was concerned, it seems that there
10 are going to be three hills that will be where
11 the PCB's will be dumped, not just Hill 78. It
12 seems there will be a Hill 71 and an unnamed
13 hill. So it's going to be more than the one
14 that we'll have to keep an eye on in the
15 future.

16 Thank you.

17 MR. CONWAY: Anyone else? No
18 response.

19 Anyone else? Anyone else who would
20 like to make a comment for the record at the
21 public hearing before I close off of the public
22 hearing? Yes?

23 JUDY HERKIMER: Judy Herkimer.

24 I neglected to mention Charlie Perez

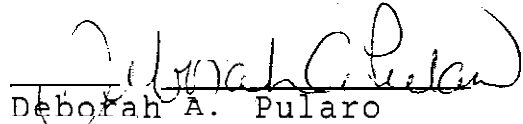
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BERKSHIRE

I, DEBORAH A. PULARO, A Notary Public within and for the State of Massachusetts do hereby that I took the public hearing regarding the Consent Decree, on December 2, 1999, at the City Hall, Pittsfield, Massachusetts.

I further certify that the within hearing was taken by me stenographically and reduced to typewritten form. I further certify that said hearing is a true record of the comments given by said participants.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was-taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

WITNESS my hand and seal this 17th day of December, 1999.


Deborah A. Pularo
NOTARY PUBLIC

My Commission expires:
May 31, 2002